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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,423	10/11/2001	William B. Noble	1328.014	9084

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SUITE 101  
275 TURNPIKE STREET  
CANTON, MA 02021-2310

EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/975,423	Applicant(s) NOBLE ET AL	
	Examiner Joseph E. Avellino	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/11/2001</u> | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. Claims 1-19 are presented for examination; claims 1 and 15 independent.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite the limitation "and/or" in line 2 of the claims. This leads to ambiguity as to it is unknown if it is construed as an "and" or an "or". Correction is required. For examination purposes, the term "and/or" will be taken in the alternative (i.e. "or").

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (USPN 6,571,245) (hereinafter Huang).

6. Referring to claim 1, Huang discloses a method for data sharing (col. 10, lines 4-14) comprising:

- storing private data within a private data memory (i.e. a secure folder 622) associated with a first sharing partner (i.e. a first user) (col. 9, lines 35-53);

- selecting a portion of the private data to provide a private data portion (i.e. selecting a file to share) (col. 10, lines 4-14);

- selecting one or more sharing partners (i.e. friends) associated with the first sharing partner (they are associated in that they all use the same system, since this is the only way to obtain shared files from one user to another) (col. 10, lines 4-14);

- associating the private data portion with the selected sharing partners (i.e. allow the "friends" access to the data) (col. 10, lines 4-14);

Huang does not specifically disclose replicating the selected data to the selected sharing partners, however it is obvious to replicate the invention to produce the same intended result. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Huang

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furthermore discloses the ability for a user to download a file to the users computer system (col. 10, lines 54-60) and to show a listing of which files are available to this user from the friend associated with the user (col. 10, lines 15-26). This would lead one of ordinary skill in the art to be able to retrieve selected data and replicating this data to the user's computer from a "friend" computer in order to distribute information to parties wishing to share and collaborate on information and projects, thereby increasing the knowledge of all the users of the system.

7. Referring to claim 2, Huang discloses creating a data tag, including one or more of a first sharing partner tag portion associated with the first sharing partner (i.e. creator), a selected sharing partners tag portion associated with the one or more selected sharing partners (i.e. who has access rights to it) , a data identifier tag portion (i.e. a file name), and a data time identifier tag portion (i.e. when last modified) (col. 10, lines 45-43); and

associating the data tag with the private data portion to provide tagged private data (col. 10, lines 36-53; Figure 7).

8. Referring to claim 3, Huang discloses creating a copy of the tagged private data to provide a tagged private data copy (Huang does not specifically disclose that the selected item is a private data portion, merely "a selected item", however one of ordinary skill in the art would understand that all files can be duplicated, including

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private ones, and would find this obvious to make this correlation since it is a common feature in all computer systems) (col. 9, lines 15-21);

placing the tagged private data copy into a first shared data memory (i.e. limited access folder 626) associated with the first sharing partner to provide tagged shared data copy (col. 9, lines 15-21; col. 10, lines 4-26); and

associating the tagged shared data copy with a respective one of the one or more selected sharing partners indicated by the selected sharing partners tag portion (col. 10, lines 4-14).

9. Referring to claim 4, Huang discloses copying the tagged shared data copy to a second shared data memory associated with the respective one of the one or more selected sharing partners to provide a tagged replicated data copy (col. 10, lines 45-61; Figure 7).

10. Referring to claim 5, Huang discloses the copying further includes copying the tagged shared data copy with a write-only data connection between the first shared data memory and the second shared data memory (col. 10, lines 4-14).

11. Claims 6 and 7 are rejected for similar reasons as stated above.

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12. Referring to claim 8, Huang discloses altering the private data portion (i.e. an inherent feature that if files are synchronized, they must have been changed previously) (col. 11, line 47 to col. 12, line 37).

13. Referring to claim 9, Huang discloses automatically updating the tagged private data when the private data portion is altered by the first sharing partner (col. 12, lines 20-34).

14. Referring to claim 10, Huang discloses selecting the one or more sharing partners with a GUI associated with the data tag (it is an inherent feature to the system that a GUI must be used to associate the files with sharing partners, since the user is the entity which chooses the sharing partners, and any interface which interacts a computer with a user can be considered a GUI) (col. 10, lines 4-14).

15. Referring to claim 11, Huang discloses altering the selected sharing partners tag portion with the GUI (as stated above, if the users are selected via the GUI, then the tag must be altered via the GUI, since this will be the only way which the files will be associated with the users) (col. 10, lines 4-14).

16. Referring to claim 12, Huang discloses automatically changing the tagged shared data and the tagged replicated copy to match the tagged private data copy when the tagged private data copy is altered by the first sharing partner (col. 11, lines 62-67).

17. Claims 15-17 are rejected for similar reasons as stated above.

Claims 13, 14, 18, and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Pike et al. (Defense Data Network, Defense Secure Network; FAS Intelligence Resource Program; February 11, 2000 <http://www.fas.org/irp/program/disseminate/ddn.htm>) (hereinafter FAS).

18. Huang discloses the invention substantively as described in the claims above. Huang does not disclose corresponding to military allies located in different countries. FAS discloses another data sharing system wherein the sharing partners corresponds to military allies in different countries (i.e. worldwide) (p.1). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of FAS with Huang in order to connect worldwide sub-networks to one another and to which classified circuits are encrypted in order to utilize the same network for all types of classes of traffic as supported by FAS (p. 1).

### **Conclusion**

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Harris et al. (USPN 6,598,130) discloses technique for referencing distributed shared memory locally rather than remotely.



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21. Hickerson et al. (USPN 5,950,014) discloses a methodology for pull model invocation.
22. Scardimalia et al. (US 2002/0026493) discloses a shared memory apparatus and method for multiprocessor systems.
23. Smith, R. ("MLS File Service for Network Data Sharing" IEEE Computer Security Applications Conference, 1993. Proceedings, Ninth Annual pp. 94-99) discloses providing a flexible and highly secure connection between networks operating at different security levels.
24. Stillman et al. ("Computer Security and Networking Protocols: Technical Issues in Military Data Communications Networks" IEEE Transactions on Communications, vol. COM-28, no. 9, Sep. 1980) discloses information sharing among computers in the military and the problems inherent with secure information transport.
25. "Army Battle Command System (ABCS)" FAS Military Analysis Network [www.fas.org/man/dod-101/sys/land/abcs.htm](http://www.fas.org/man/dod-101/sys/land/abcs.htm) February 21, 1999, discusses control systems in the army.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA

November 2, 2004

William C. Vaughn  
Primary Examiner  
Art Unit 2143  
William C. Vaughn, J.